

Business Impact Estimate

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 78. ZONING. TO ADOPT NEW OVERLAY ZONING THAT IMPLEMENTS CERTAIN RECOMMENDATIONS CONTAINED IN THE OCTOBER 2022 VILLAGE OF TEQUESTA COMMERCIAL CORRIDOR MASTER PLAN AS PREPARED BY THE TREASURE COAST REGIONAL PLANNING COUNCIL AND ADOPTED BY THE VILLAGE COUNCIL ON NOVEMBER 10, 2022; SPECIFICALLY AMENDING THE FOLLOWING SECTIONS: 78-4 DEFINITIONS. BY ADOPTING NEW DEFINITIONS FOR "FORMULA BUSINESS," "FORMULA RESTAURANT," "FORMULA RETAIL," "OVERLAY DISTRICT," "FAÇADE TRANSPARENCY," AND "CIVIC OPEN SPACE;" 78-96 DISCONTINUANCE OF NONCONFORMING USES. BY ADDING LANGUAGE TO EXPLAIN THE CONTINUATION OF NON-CONFORMING USES IN AN OVERLAY ZONE; 78-176 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT. BY ADDING PERMITTED AND SPECIAL EXCEPTION USE REGULATIONS APPLICABLE TO OVERLAY ZONING; SEC. 78-177 C-2 COMMUNITY COMMERCIAL DISTRICT. BY ADDING PERMITTED AND SPECIAL EXCEPTION USE REGULATIONS APPLICABLE TO OVERLAY ZONING; SEC. 78-178 C3 GENERAL COMMERCIAL DISTRICT. BY ADDING PERMITTED AND SPECIAL EXCEPTION USE REGULATIONS APPLICABLE TO OVERLAY ZONING; SEC. 78-180 MU MIXED USE DISTRICT. BY ADDING PERMITTED AND SPECIAL EXCEPTION USE REGULATIONS APPLICABLE TO OVERLAY ZONING, AND RESOLVING ANY CONFLICT BETWEEN MU ZONING AND OVERLAY ZONING IN FAVOR OF OVERLAY ZONING; FURTHER CREATING AN ENTIRELY NEW ARTICLE VI DIVISION 3 ENTITLED "OVERLAY DISTRICTS." WITH NEW CODE SECTIONS 78-201 THROUGH 78-204; ADOPTING SEC. 78-201 "TEQUESTA DRIVE OVERLAY," CREATING AND DEFINING THIS OVERLAY DISTRICT, PROVIDING PURPOSE AND INTENT, PROVIDING DESIGN, SETBACK, FAÇADE, PARKING, FORMULA BUSINESS AND RESTAURANT, OPEN SPACE, AND LANDSCAPING GUIDELINES; PROVIDING FOR PAYMENT IN LIEU OF CERTAIN OPEN SPACE REQUIREMENTS; PROVIDING FOR WAIVERS; RESOLVING ANY CONFLICT BETWEEN GENERAL REGULATIONS AND OVERLAY ZONING REGULATIONS IN FAVOR OF OVERLAY ZONING REGULATIONS; ALSO ADOPTING SEC. 78-202 "US HIGHWAY 1 OVERLAY," CREATING AND DEFINING THIS OVERLAY DISTRICT, PROVIDING PURPOSE AND INTENT, PROVIDING DESIGN, SETBACK, FAÇADE, PARKING, FORMULA BUSINESS AND RESTAURANT, OPEN SPACE, AND LANDSCAPING GUIDELINES; PROVIDING FOR PAYMENT IN LIEU OF CERTAIN OPEN SPACE REQUIREMENTS; PROVIDING FOR WAIVERS; RESOLVING ANY CONFLICT BETWEEN GENERAL REGULATIONS AND OVERLAY ZONING REGULATIONS IN FAVOR OF OVERLAY ZONING REGULATIONS; ALSO ADOPTING SEC. 78-203 "VILLAGE CENTER OVERLAY," CREATING AND DEFINING THIS OVERLAY DISTRICT, PROVIDING PURPOSE AND INTENT, PROVIDING DESIGN, SETBACK, FAÇADE, PARKING, FORMULA BUSINESS AND RESTAURANT, OPEN

SPACE, AND LANDSCAPING GUIDELINES; PROVIDING FOR PAYMENT IN LIEU OF CERTAIN OPEN SPACE REQUIREMENTS; PROVIDING FOR WAIVERS; RESOLVING ANY CONFLICT BETWEEN GENERAL REGULATIONS AND OVERLAY ZONING REGULATIONS IN FAVOR OF OVERLAY ZONING REGULATIONS; AND ADOPTING SEC. 78-204 "WAIVERS" TO PROVIDE A PROCESS FOR OBTAINING WAIVERS FROM THE VILLAGE COUNCIL FROM CERTAIN OVERLAY DISTRICT REQUIREMENTS, PROVIDING FOR AN APPLICATION, AND PROVIDING CRITERIA FOR THE GRANTING OF A WAIVER; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

In recent years, the Village of Tequesta has felt increasing development pressure for residential development, including mixed-use development. While the Village currently has a Mixed-Use Zoning District, it does not function as a traditional mixed-use zone, with many developments within it being solely residential or commercial. In response to this, the Village engaged with the Treasure Coast Regional Planning Council to create a Commercial Corridor Master Plan ("Master Plan"). The Master Plan was adopted in 2022. Since adoption of the Master Plan, the Village Council has held seven workshops to discuss the creation of a creating a commercial overlay code, which has evolved into Ordinance 01-24.

Ordinance 01-24 establishes three distinct zoning overlay districts; The Tequesta Drive Overlay, US Highway 1 Overlay, and Village Center Overlay. All three overlays have similar design standards included: such as allowance of front setback encroachments into the landscape buffer, a requirement for a third story setback of 8 to 12 feet, screening of off-street parking behind buildings, and a requirement to provide 5% civic open space. These design standards were created to establish a more cohesive urban form within the Village's commercial and mixed-use zoning districts. Buildings are now allowed to be closer to the street, but must have an additional third story setback. The 5% civic open space requirement is intended to ensure that higher quality public gathering spaces are created. Any civic open space provided may also be counted within the Village's overall open space requirements.

The ordinance is also seeking to protect the character of the Village by establishing requirements within the overlays for formula restaurants, formula businesses, and formula retail uses. These are defined as uses that have 10 or more locations, with similar standardized features at each location. The Tequesta Drive Overlay prohibits formula retail and formula restaurants, and requires a special exception for formula businesses. The Us Highway One Overlay has no restrictions on formula retail or formula businesses, and requires a special exception for formula restaurants. The Village Center Overlay requires a Special Exception for formula retail and formula restaurants, and has no restrictions on formula businesses.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Tequesta, if any:

- (a) There are no direct compliance costs that business may reasonably incur;
- (b) The only new fee that could be imposed as the result of the ordinance is that some future formula restaurants, formula retail, or formula businesses may have to go through the special exception process that may have otherwise not had to. The fee for special exception applications is \$500.
- (c) There are no new charges being added as the result of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: Unknown. The ordinance applies only to land developers constructing new developments and to new formula restaurants, formula retail, or formula businesses.